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STATE OF COLORADO  
DENVER**

**SENATE PRESIDENT**

March 28, 2016

VIA FIRST CLASS MAIL

Alan Engels  
Regional Freedom of Information Officer  
U.S. EPA, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

***Re: Freedom of Information Act Request***

Dear Mr. Engels:

This is a request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the Environmental Protection Agency's (EPA) implementing regulations under FOIA, 40 C.F.R. Part 2. The documents requested are "agency records" as defined by FOIA, in the possession of the EPA, and not publicly available as described in 40 C.F.R. § 2.102(a).

The term "document" includes, but is not limited to, all documents, e-mails, notes, telephone call notes, meeting notes, letters, policy statements, internal directives, analyses, memoranda, studies, meeting notes, correspondence, maps, diagrams, data, photographs, other written or electronic records, or other information submitted, analyzed, reviewed or created in connection with any Clean Air Act Section 114(a) Information Request (114(a) Request) sent to any oil and/or natural gas production company operating in Colorado.

These requests seek all records created or sent between January 1, 2015 and the present.

Pursuant to FOIA, please produce and deliver to the undersigned:

1. Any and all written communication, including but not limited to, any e-mail, letter, text message, or instant message, between EPA Region 8 and its employees and the Colorado Department of Public Health and Environment and its employees related to any 114(a) Request to, or any alleged violation of the Clean Air Act compliance requirements by,

any oil or natural gas production company operating in Colorado, including but not limited to, any and all written communication involving any of the following:

- a. Suzanne J. Bohan, EPA, Region 8 Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, Denver, Colorado;
  - b. Scott Patefield, EPA, Region 8 Environmental Scientist Air and Toxics Technical Enforcement Program, Denver, Colorado;
  - c. Jessica Portmess, EPA, Region 8 Enforcement Attorney, Denver, Colorado;
  - d. Cindy Beeler, EPA, Region 8 Energy Advisor to the Regional Administrator, Denver, Colorado;
  - e. Joan Card, EPA, Region 8 Senior Policy Advisor and Special Assistant to the Regional Administrator, Denver, Colorado;
  - f. Martha Rudolph, Colorado Department of Public Health and Environment, Director of Environmental Programs, Denver, Colorado;
  - g. Will Allison, Colorado Department of Public Health and Environment, Air Pollution Control Division Director, Denver, Colorado;
  - h. Mark McMillan, Colorado Department of Public Health and Environment, Air Pollution Control Division Stationary Sources Program Manager, Denver, Colorado.
2. Any and all written communication within EPA Region 8 and its employees related to any 114(a) Request to, or any alleged violation of the Clean Air Act compliance requirements by, any oil or natural gas production company operating in Colorado, including but not limited to, any and all written communication involving, between or among:
  - a. Suzanne J. Bohan, EPA, Region 8 Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, Denver, Colorado;
  - b. Scott Patefield, EPA, Region 8 Environmental Scientist Air and Toxics Technical Enforcement Program, Denver, Colorado;
  - c. Jessica Portmess, EPA, Region 8 Enforcement Attorney, Denver, Colorado;
  - d. Joan Card, EPA, Region 8 Senior Policy Advisor and Special Assistant to the Regional Administrator, Denver, Colorado.
3. Any and all written communication involving EPA Region 8 and its employees and any third party related to any 114(a) Request to, or any alleged violation of the Clean Air Act compliance requirements by, any oil or natural gas production company operating in Colorado.
4. Any and all documents or correspondence between the Colorado Department of Public Health and Environment and its employees and the EPA and its employees related to any agreement, Memorandum of Understanding, protocol, or coordination effort between the

Colorado Department of Public Health and Environment and its employees and the EPA and its employees related to:

- a. air quality enforcement activities under the Clean Air Act; or
  - b. 114(a) Requests related to Clean Air Act compliance or enforcement.
5. Any and all documents or correspondence between EPA Region 8 employees related to any agreement, Memorandum of Understanding, protocol, or coordination effort between the Colorado Department of Public Health and Environment and its employees and the EPA and its employees related to:
  - a. air quality enforcement activities under the Clean Air Act; or
  - b. 114(a) Requests related to Clean Air Act compliance or enforcement.
6. Any and all documents or other information submitted, analyzed, reviewed or created related to any 114(a) Request to, or any alleged violation of the Clean Air Act compliance requirements by, any oil or natural gas production company operating in Colorado.
7. Any and all documents of any nature whatsoever, received by, or sent by the EPA related to any 114(a) Request to, or any alleged violation of the Clean Air Act compliance requirements by, any oil or natural gas production company operating in Colorado, including but not limited to any and all documents received or sent by:
  - a. Suzanne J. Bohan, EPA, Region 8 Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, Denver, Colorado;
  - b. Scott Patefield, EPA, Region 8 Environmental Scientist Air and Toxics Technical Enforcement Program, Denver, Colorado;
  - c. Cindy Beeler, EPA, Region 8 Energy Advisor to the Regional Administrator, Denver, Colorado;
  - d. Jessica Portmess, EPA, Region 8 Enforcement Attorney, Denver, Colorado;
  - e. Joan Card, EPA, Region 8 Senior Policy Advisor and Special Assistant to the Regional Administrator, Denver, Colorado.
8. This request does not include publically available documents, including. Please provide an index indicating which publicly available documents would have been produced in response to this request.

In your response, please demarcate which category corresponds to the documents provided. If you do not possess any documents relating to a particular type of document requested, please indicate accordingly.

To the extent the requested documents contain information exempt from FOIA, please segregate the information that can be released (i.e., redact exempt text).

If your office decides to withhold documents referred to in this request, please send the undersigned an administrative Vaughn Index pursuant to 5 U.S.C. § 552(b) and *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974).

The index should specify the following information about each item withheld:

- a. The title, author and date of the agency record withheld;
- b. A description of the agency record withheld, including the subject and conclusions of the document;
- c. A legal citation to the exemption of the agency record withheld and an explanation how the exemption applies to the agency record so withheld; and
- d. A list of all agency records, including memoranda, electronic mails and other communications which are referenced in the withheld agency record, or referenced by the withheld agency record.

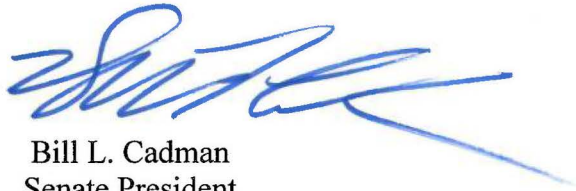
This letter also constitutes a request that you exercise your discretion to release any document which may be exempt under FOIA.

I respectfully request that you waive all fees in connection with this request as provided by 5 U.S.C. § 552(a)(4)(A)(iii); 5 C.F.R. § 4.11. I ask for a full fee waiver because "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of these operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(iii).

Pursuant to 40 C.F.R. § 2.104, the EPA has 20 working days from the date of receipt of this letter to provide their responds. A timely response to this request will be greatly appreciated.

In the event there are questions or concerns relative to the requests set out herein, please do not hesitate to contact the undersigned at the letterhead address.

Sincerely,



Bill L. Cadman  
Senate President  
Colorado Senate

cc: Chief Justice Nancy Rice  
Governor John Hickenlooper